

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

REIDAR M. JULIUSSEN, JR.,

Plaintiff,

vs

BUCHANAN MARINE, L.P.,

Defendant

**PLAINTIFF'S ANSWER TO
COUNTERCLAIM**

Docket No. 08 CIV. 1463 (WCC)

Plaintiff, as and for his answer to the defendant's counterclaim, states as follows:

1. Admits the allegations contained in paragraphs "1", "2", "3" and "4" of the counterclaim.

2. Denies the allegations contained in paragraphs "5", "6", "7", "8" and "9" of the counterclaim.

AS AND FOR A FIRST DEFENSE TO THE COUNTERCLAIM

3. The counterclaim fails to state a valid legal claim for which relief can be granted.

AS AND FOR A SECOND DEFENSE TO THE COUNTERCLAIM

4. Any counterclaim by the defendant against the plaintiff is limited by law, to a claim for property damage caused by the negligence of the plaintiff and no recovery may be had for costs and expenses of the type and kind being sought in the counterclaim.

AS AND FOR A THIRD DEFENSE TO THE COUNTERCLAIM

5. To the extent that the counterclaim alleges negligence or comparative fault on the part of the plaintiff herein (which comparative fault and negligence are expressly denied by the plaintiff), defendant's sole remedy is a reduction in the amount of damages which plaintiff may recover under the doctrine of comparative fault.

Dated: May 29, 2008
Vestal, New York

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/s/ Michael R. Wright

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 29, 2008, the foregoing was electronically filed with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following counsel of record:

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